

REMARKS

Claims 1-8 are pending in this application. By this Amendment, claims 1-8 are amended and no new claim is added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1-2 and 4-5 under 35 U.S.C. §102(e) as being anticipated by Kim et al. (6,209,131) and claims 3 and 6-8 as being unpatentable over Kim et al. in view of ETSI, "Digital Broadcasting system for television, sound and data services, Specification for Services Information (SI) in Digital Video Broadcasting (DVB) systems, October, 1995." This rejection is respectfully traversed.

It is respectfully submitted that Kim et al. is not a valid 102(e) reference. Applicant respectfully submits that the effective filing date, November 5, 1999, of the cited Kim et al. (USPN 6,209,131) reference, is antedated by the effective filing date of the present invention, which has May 12, 1999. The foreign priority date claimed by the Kim ('131) patent, December 1, 1998, does not "modify the express provision of section 102(e) that a reference patent is effective as of the date the application for it was filed in the United States." *In re Hilmer*, 359 F.2d 859 (1966), i.e., the Korean priority date of Kim ('131) cannot be relied upon as a 102(e) filing date.

With respect to claims 3 and 6-8 under §103, the primary reference, Kim et al. ('131) cannot be used since it is not a valid reference. Further, Applicant respectfully submits that the ETSI disclosure fails to disclose or teach the claimed invention. For example, ETSI reference

does not teach or suggest a digital television receiver that automatically configure itself upon a change in channel information during broadcast and the combination thereof.

For at least the reasons set forth above, Applicant respectfully submit that claim 1 defines patentable subject matter. Dependent claims 2-8 define patentable subject matter for at least the reasons set forth above with respect to claim 1 where from they depend as well as from their additionally recited features. Withdrawal of the rejections of claims 1-8 under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) is respectfully submitted.

CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned agent, **Ruay Lian Ho**, at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Daniel Y.J. Kim
Registration No. 36,186
Ruay Lian Ho
Registration No. 48,110

P.O. Box 221200
Chantilly, VA 20153-1200
703 502-9440 DYK/RLH:tmd
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